IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21523 of 1994

Between:

Madipalli Venkateswarulu S/o.Govindu
R/o.Enimamula Village Warangal Dist.

..... PETITIONER

AND

1 The Special Officer and Competent Authority Urban Land Ceilings Warangal.
2 The Govt.of A.P Rep.by its Secretary,Revenue (UC-II),Dept Secretariat Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the order passed in proceeding No.U.C.Case.No.A3/669/76, dated:19-11-1991 passed by the First Respondent and subsequent orders passed under sections 10(1),10(3) and 10(5) of Urban Land Ceiling Act by the first respondent is bad, illegal and highly arbitrary and pass order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITIONNO. 21523 OF 1994

ORDER:-

Heard both the learned counsel. Petitioner herein, who is a declarant under the provisions of Urban Land Ceiling Act, filed this writ petition challenging the orders dated 19-11-1991 and also subsequent steps taken under Section 10 of the said Act as bad and illegal.

The case of the petitioner is that even though he filed declaration that the subject lands are agricultural lands, yet the authority did not take into consideration in a proper perspective and after making a statement under Section 6 (1) of the Urban Land Ceiling Act on 13-8-1976, final orders were passed under Section 8 (4) of the Act on 19-11-1981. Subsequently, further proceedings were initiated under Section 10 (3) and (5) of the Act. The further case of the petitioner is that he has not been given the benefit of G.O.Ms.No.733 Revenue Department dated 21-10-1988 wherein certain exemptions have been granted.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that irrespective of the fact that final orders are passed on 19-11-1981, it is open to the respondents to take into consideration the benefits under G.O.Ms.No.733 dated 21-10-1988 and extend the same to the petitioner.

In view of the above, this writ petition is allowed and the respondents are directed to reconsider the case of the petitioner in regard to the benefits under G.O.Ms.No.733 dated 21-10-1988. No costs.

09-07-2004.

stv/-

To

1 The Special Officer and Competent Authority Urban Land Ceilings Warangal.
2 The Secretary, Revenue (Uc-II), Dept,

Govt.of A.P., Secretariat Hyderabad.

3 Two CCs to the G.P for Assignment, High Court Buildings, Hyderabad

(O.U.T).

4 Two CD copies.

5 One spare copy.